



K A N S A S

D. KENT HURN, CHAIRPERSON

DEPARTMENT OF ADMINISTRATION
CIVIL SERVICE BOARD

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TO: George Vega, Division of Personnel Services
Tracy Diel, Director, Office of Administrative Hearings
D. Kent Hurn, Chairman, Civil Service Board

FROM: Peggy Graham, Secretary, Civil Service Board

DATE: October 16, 2006

RE: Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the July 15, 2006 quarterly report:

A. Cases Decided and/or Disposed Of:

1. **Name Removed**, demotion *affirmed*
Department of Corrections
Corrections Specialist I. The appellant was supervising a new correctional officer when the officer reported that an inmate had touched her. The appellant failed to assist or direct the officer to file a disciplinary report against the inmate, failed to secure the inmate in the segregation unit for further investigation and failed to report the incident to the shift captain all as required by agency policy. As a result of his inaction, the inmates believed that it was permissible to threaten the officer since no action had been taken for the touching. The officer was later threatened with bodily harm by the inmates on the unit as a result of the appellant's inaction. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.
2. **Name Removed**, 2-day suspension *affirmed*
Department of Corrections
Parole Officer. The appellant was told during at least two of her annual performance evaluations that she needed to ensure that all agency policies and court rules were followed with respect to parolees who were in jail. Yet, the appellant continued to let parolees remain in jail longer than permitted and continued to wait longer than permitted to file charges against the parolees when appropriate to do so. After discovering six parolees who remained in jail longer than permitted within one month, the agency took disciplinary action against the appellant in the form of a 2-

day suspension. After hearing all of the evidence, the Board found the appointing authority's decision to be reasonable.

3. **Name Removed**, dismissal *affirmed*
Hutchinson Correctional Facility
Corrections Officer I. The appellant became angry when an inmate failed to follow an order to return to his cell. The appellant confronted the inmate about his refusal to follow an order and in doing so, yelled and cursed at the inmate. The appellant then opened the door to the shower room and asked the inmate if he wanted to settle the matter in "the old school way" meaning with a fist fight. The appellant also failed to issue a disciplinary report on the inmate for failing to follow an order and failed to log the inmate's conduct in the duty log. After hearing all of the evidence, the Board found the appointing authority's decision to be reasonable.
4. **Name Removed**, dismissal *withdrawn*
Department of Corrections
Corrections Officer I. The appellant engaged in an unduly familiar relationship with an inmate over a period of time while she was employed by the correctional facility. The appellant withdrew her request for a hearing prior to the scheduled hearing date.
5. **Name Removed**, dismissal *withdrawn*
Highway Patrol
Highway Patrol Trooper. The appellant failed to report a traffic accident which resulted in damage to his patrol vehicle and the vehicle of another individual. The appellant then attempted to conceal the damage to the patrol vehicle and have it repaired without the knowledge of the agency. The appellant withdrew his request for a hearing on the day of the hearing but prior to the taking of evidence.
6. **Name Removed**, 4-day suspension *modified*
Kansas Highway Patrol
Highway Patrol Master/Technical Trooper. The appellant initiated a traffic stop on the Kansas Interstate on I-70 near the Lawrence exit. The driver stated that he had set his cruise control on 70 miles per hour. The appellant asked the driver sarcastically if the speed limit had changed since he had been on days off recently. He then issued the driver a traffic citation for exceeding the speed limit. He told the driver to slow down and the driver replied that he was in a hurry and might or might not slow down. Less than three miles later, the appellant again found the driver to be exceeding the speed limit. As the appellant exited his vehicle toward the driver who he had pulled over onto the shoulder of the road, the appellant turned off his microphone in violation of agency policy. After talking with the driver for several minutes, the appellant turned the microphone back on. He then issued the driver a second traffic citation for exceeding the speed limit. The driver later filed a complaint against the appellant claiming that he was threatening, intimidating, harassing, and unprofessional during the second traffic stop. The agency issued a 4-day suspension based upon the appellant's history of unprofessional behavior and failing to properly use his audio and video equipment as well as unprofessional behavior, failing to use his audio equipment and giving unlawful orders to the driver. Because the audio recording had been turned off, it was impossible to determine exactly what happened between the driver and the appellant during the second traffic stop. Therefore, the Board found that it was unreasonable to assume that the appellant had been threatening, intimidating, harassing, and unprofessional during the second traffic stop. However, because he was unprofessional during the first stop and turned off his microphone in violation of agency policy, the decision to take disciplinary action was reasonable and the decision was modified from a 4-day suspension to a 2-day suspension.

7. **Name Removed**, resignation *dismissed*
Larned State Hospital
Mental Health Developmental Disability Technician. The appellant resigned his position at LSH in January 2006. Therefore, the Board lacked jurisdiction to hear an appeal and the matter was dismissed for lack of jurisdiction.
8. **Name Removed**, 3-day suspension *withdrawn*
Juvenile Justice Authority
Juvenile Corrections Officer I. The appellant got into a minor physical altercation with a juvenile offender and failed to report his own injuries, the fact that the altercation occurred or take disciplinary action against the offender involved. The appellant reached a settlement agreement with the agency and withdrew his request for a hearing.
9. **Name Removed**, 5-day suspension *withdrawn*
Department of Corrections
Parole Supervisor. The appellant failed to properly monitor the work of his supervisees and as a result work was not properly or timely done leaving offenders in jail or treatment facilities past their release dates. The appellant withdrew his request for a hearing prior to the scheduled hearing date.
10. **Name Removed**, 30-day suspension *withdrawn*
Department of Corrections
Parole Officer II. The appellant failed to timely document information on the agency computer system, failed to keep accurate records of information regarding the offenders under her supervision, failed to enter information regarding parole violations into the computer system, and failed to monitor offenders who were in jail or in treatment, all which demonstrated an incompetence in the performance of her duties. The appellant withdrew her request for a hearing prior to her scheduled hearing date.
11. **Name Removed**, 5-day suspension *withdrawn*
Department of Transportation
Public Service Administrator I. The appellant engaged in an altercation with one of his subordinates while on duty. The appellant used foul language and an inappropriate tone when discussing a problem with an employee. The incident occurred in front of other employees and created a difficult situation within the office. The appellant withdrew his request for a hearing prior to his scheduled hearing date.
12. **Name Removed**, 5-day suspension *affirmed*
University of Kansas Medical Center
University Police Sergeant. The appellant observed an individual commit a traffic infraction while he was on patrol for the agency. He then violated agency policy in pursuing the individual at excessive rates of speed through a construction zone on the interstate and through parts of a residential and business area, all of which were outside of his authorized jurisdiction. He also failed to activate his emergency lights and siren as required and failed to notify his dispatcher of the situation when he began the pursuit as required. After hearing all of the evidence, the Board found that the decision of the appointing authority was reasonable.
13. **Name Removed**, dismissal *dismissed*
Department of Transportation
Equipment Operator Specialist. The appellant sustained a work-related injury that caused him to be unable to continue to perform his job duties. He received workers compensation and nearly

18 months of FMLA before his doctor determined that the appellant would never be able to return to work. The appellant failed to appear for the scheduled hearing and a default order was issued.

14. **Name Removed**, demotion *withdrawn*
Parsons State Hospital and Training Center
Registered Nurse Administrator. The appellant failed to report an incident of patient neglect to risk management and failed to take disciplinary action against the employee, and failed to provide proper care to a patient in her care. The appellant withdrew her request for a hearing prior to the scheduled hearing date.
15. **Name Removed**, 5-day suspension *withdrawn*
Department of Corrections
Parole Officer I. The appellant engaged in a verbal altercation with a co-worker in the workplace. The appellant was supposed to be on leave at the time and was therefore asked to leave the office until an investigation could be conducted. The appellant initially refused to leave the office and law enforcement was called to forcibly remove her from the premises. She finally left voluntarily before law enforcement arrived. The appellant reached a settlement with the agency and the request for a hearing was withdrawn.
16. **Name Removed**, resignation *dismissed*
Parsons State Hospital
Mental Health Developmental Disability Technician. Parsons State Hospital proposed the appellant's dismissal on June 13, 2006. Prior to a final action by the appointing authority, the appellant submitted his resignation. The appointing authority accepted the resignation and no final letter of disciplinary action was issued. The Board dismissed the appeal for lack of jurisdiction due to the appellant's resignation.
17. **Name Removed**, dismissal *withdrawn*
Department of Administration
Custodial Worker. The appellant was dismissed for failure to comply with the agency's attendance policy. The appellant entered into a settlement agreement with the agency which included his withdrawal of his request for a hearing.
18. **Name Removed**, dismissal *withdrawn*
Osawatomie State Hospital
Custodial Worker. The appellant entered a patient's room without cause and refused to leave while the female patient, who had just returned from the shower, got dressed. The appellant withdrew his request for a hearing prior to the scheduled hearing date.
19. **Name Removed**, dismissal *affirmed*
Osawatomie State Hospital
Licensed Practical Nurse Senior. The appellant was placed on a special evaluation for her abuse of time and leave and for use of inappropriate language in the work place. She had also been moved to a different unit because of her behavior and her difficulty in getting along with her co-workers. Just weeks after being placed on the special evaluation and after just days on her new unit, the appellant became angry with one of her co-workers and during a meeting with the co-worker and two supervisors to resolve the conflict, the appellant stood, pointed her finger at the co-worker, shouted profanity, then stormed out of the meeting. After hearing all of the evidence, the Board found the decision of the appointing authority to be reasonable.

20. **Name Removed**, dismissal *dismissed*
Social and Rehabilitation Services
Human Services Assistant. The appellant attempted to falsify a report of suspected child abuse, and attempted to have the person reporting the abuse falsify a record in an attempt to cover up the appellant's own error. The appellant failed to appear for the hearing as scheduled and a default order was issued against her.
21. **Name Removed**, 3-day suspension *withdrawn*
Social and Rehabilitation Services
Senior Administrative Assistant. The appellant had some performance problems with assignments related to her fiscal and purchasing duties. She withdrew her request for a hearing prior to her scheduled hearing date.

B. Cases Filed Between July 15, 2006 and October 15, 2006:

1. Parsons State Hospital, filed July 21, 2006
2. Department of Commerce, filed July 24, 2006
3. Social and Rehabilitation Services, filed August 21, 2006
4. Social and Rehabilitation Services, filed August 21, 2006
5. Department of Corrections, filed August 21, 2006
6. Juvenile Justice Authority, filed August 30, 2006
7. Larned State Hospital, filed August 31, 2006
8. Larned Correctional Mental Health, filed September 20, 2006
9. Wichita State University, filed September 26, 2006
10. Kansas Neurological Institute, filed October 10, 2006
11. Topeka Correctional Facility, filed October 13, 2006
12. Kansas Neurological Institute, filed October 13, 2006

C. Cases Still To Be Heard:

1. dismissal, Department of Commerce, set 11/8/06
2. 3-day suspension, Department of Corrections, set 11/7/06
3. demotion, Department of Corrections, set 11/7/06
4. dismissal, Parsons State Hospital, set 12/6/06
5. dismissal, Juvenile Justice Authority, set 10/17/06
6. dismissal, Kansas Neurological Institute, set 11/22/06
7. dismissal, El Dorado Correctional Facility, motion for sum jmt pending
8. dismissal, Wichita Work Release, set 12/21/06
9. demotion, Social and Rehabilitation Services, set 11/21/06
10. dismissal, Wichita State University, set 11/9/06
11. 3-day suspension, Social and Rehabilitation Services, set 2/8/07
12. dismissal, Highway Patrol, set 2/22-23/07
13. dismissal, Wildlife and Parks, set 1/15-17/07
14. dismissal, Kansas Neurological Institute, set 11/22/06
15. dismissal, Department of Revenue, set 12/19/06
16. 30-day suspension, Department of Revenue, set 10/18-20/06
17. dismissal, Department of Revenue, set 10/18-20/06
18. 10-day suspension, Department of Transportation, set 12/20/06
19. suspension, Department of Corrections, set 12/5/06
20. 3-day suspension, Osawatomie State Hospital, set 1/4/07

21. dismissal, Topeka Correctional Facility, set 11/22/06
22. dismissal, Larned Correctional Mental Health, set 11/6/06
23. dismissal, Parsons State Hospital, set 11/20/06

D. Statistics for Completed Cases:

1. Dismissals: 8
2. Demotions: 2
3. Suspensions: 9
4. Other: 2

1. Affirmed: 5
2. Reversed: 0
3. Modified: 1
4. Dismissed: 4
5. Withdrawn: 11

1. Social and Rehabilitation Services: 7
2. Department of Corrections: 7
3. Department of Transportation: 2
4. Highway Patrol: 2
5. Kansas University Med Center: 1
6. Juvenile Justice Authority: 1
7. Department of Administration: 1